IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

FRIDAY, THE 10TH AUGUST 2007 / 19TH SRAVANA 1929

WP(C).No. 1186 of 2006(N)

PETITIONER:

LALY SKARIAH, AGED 40,
W/O. LAT MATHEW SKARIAH, VAZHAPILLETH HOUSE,
PUNUKKANNOOR, PERUMPUZHA P.O.,
KOLLAM DISTRICT.

BY ADV. SRI.T.KURIAKOSE PETER
SRI.ABRAHAM P.GEORGE

RESPONDENTS:

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1. SYNDICATE BANK, KUNDARA BRANCH,
KUNDARA, KOLLAM DISTRICT, REP. BY ITS
BRANCH MANAGER.

2. JASEENTHA, AGED 50, TEACHER PEROOR
MEENAKSHI VILASAM VOCATIONAL HIGHER
SECONDARY SCHOOL, PEROOR TKMC P.O.,
KOLLAM-9.

3. PRINCIPAL, GOVT.HIGHER SECONDARY
SCHOOL, BHOOTHAKULAM, KOLLAM DISTRICT.

BY ADV. SRI.R.S.KALKURA
SRI.K.SUBASH CHANDRA BOSE

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 10/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P(C)No.1186/2006

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1. TRUE PHOTOCOPIES OF PAGE NOS.1, 2, 7, 8, 9 & 10 OF THE PENSION CERTIFICATE OF THE PETITIONERS DECEASED HUSBAND.

EXT.P2. TRUE PHOTOCOPIES OF THE PASS BOOK ISSUED BY THE 1ST RESPONDENT TO THE PETITIONER SHOWING ENTRIES FROM 22-10-03 TO 8-7-04

EXT.P3. TRUE PHOTOCOPY OF THE LAWYER NOTICE DATED 22-2-05 ISSUED TO THE PETITIONER.

RESPONDENTS' EXHIBITS:

EXT.R1(a) TRUE COPY OF THE DEED OF GUARANTEE EXECUTED BY THE GUARANTOR IN FAVOUR OF THE 1ST RESPONDENT BANK DATED 13-11-2003.

EXT.R1(b) TRUE COPY OF THE RECEIPT DATED 18-11-2003.

/ TRUE COPY /

P.S.TO JUDGE

KURIAN JOSEPH, J.

W.P(C)No.1186 of 2006

Dated this the 10th day of August, 2007

JUDGMENT

The writ petition is filed with the following prayer:-

> a) issue a writ of mandamus or any other appropriate writ, order or direction commanding the 1st respondent to disburse the entire amount of family pension with interest @ 12% per annum credited in the SB account No.26072 from January 2005 till this date to the petitioner and further direct the 1st respondent not to withhold the family pension of the petitioner under any pretext hereafter.

Since the petitioner has sought for a writ of mandamus, it is for him to approach the first respondent in which case the matter will be duly considered by the first respondent with notice to the petitioner and the second respondent. Appropriate action thereon will be taken within another three months.

The writ petition is disposed of as above.

(KURIAN JOSEPH, JUDGE)

ahg.